

THE *J. Rogers*  
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND  
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,  
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE  
ACT AUTHORIZING A STATE GOVERNMENT, AND THE  
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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Edited and Published under the authority of Chapters 15 and 16 of  
the Laws of 1866.

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CHAPTER LVIII.

CONVEYANCE OF REAL ESTATE BY EXECUTORS AND ADMINISTRATORS IN CERTAIN CASES.

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- 5. Party interested may appeal from decree.
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Court may decree conveyance of lands, when.

SECTION 1. When any person, who is bound by a contract in writing to convey any real estate, dies before making the conveyance, the probate court may make a decree, authorizing and directing the executor or administrator to convey such real estate to the person entitled thereto, in all cases where such deceased person, if living, might be compelled to execute such conveyance.

Time of hearing shall be appointed and notice given.

SEC. 2. On the presentation of a petition, by any person claiming to be entitled to such conveyance from any executor or administrator, setting forth the names, ages and residences, if known, of all persons interested in the estate to be conveyed, and the facts upon which such claim is predicated, the judge of probate shall appoint a time and place for hearing such petition, and notice thereof shall be given to those interested in the same manner as in civil actions.

Proceedings on hearing.

SEC. 3. At such hearing, or any adjournment thereof, upon proof by affidavit, of the due publication of the notice, all persons interested in the estate may appear before the probate court and defend against such petition; and the court may examine on oath, the petitioner, and all others produced before it for that purpose.

Decree shall be made, when.

SEC. 4. After a full hearing upon such petition, and examination of the facts and circumstances of such claim, if the judge of probate is satisfied that the petitioner is entitled to a conveyance of the real estate described in his petition, according to the provisions of this chapter, he shall thereupon make a decree authorizing and directing the executor or administrator to make and execute a conveyance thereof to such petitioner, otherwise he shall dismiss such petition.

Party interested may appeal from decree.

SEC. 5. Any person interested may appeal from such decree or dismissal to the district court for the same county, as in other cases, but if no appeal is taken from such decree within the time limited therefor by law, or if such decree is affirmed on appeal, the executor or administrator shall execute the conveyance according to the direction contained in such decree; and a certified copy of the decree shall be recorded with the deed, in the office of the register of deeds in the county where the lands lie, and shall be evidence of the correctness of the proceedings, and of the authority of the executor or administrator to make the conveyance.

Effect of decree.

SEC. 6. Every conveyance made in pursuance of a decree of the probate court, as provided in this chapter, shall be effectual to pass the estate contracted for, as fully as if the contracting party himself was still living, and executed the conveyance.

Effect of recording copy of decree in registry of deeds.

SEC. 7. A copy of the decree for conveyance made by the probate court, and duly certified and recorded in the registry of deeds, in the county where the lands lie, shall give the person entitled to such conveyance, a right to the possession of the lands contracted for, and to hold the

same according to the terms of the intended conveyance, in like manner as if they had been conveyed in pursuance of the decree, and such right may be enforced, if necessary, by said court, according to the course of practice therein.

SEC. 8. If the person to whom the conveyance was to be made dies before the commencement of proceedings according to the provisions of this chapter, or before the conveyance is completed, any person who would have been entitled to the estate under him as heir, devisee or otherwise, in case the conveyance had been made, according to the terms of the contract, or the executor or administrator of such deceased person, for the benefit of the person so entitled, may commence such proceedings, or prosecute the same, if already commenced, and the conveyance shall thereupon be so made as to vest the estate in the same persons who would have been so entitled to it, or in the executor or administrator for their benefit.

*In case of death of person entitled, his heirs, et als., may commence or conduct proceedings, &c.*

CHAPTER LIX. .

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SECTION 1. The judge of probate in each county, when it appears to him necessary, or convenient, may appoint guardians to minors and others, being inhabitants or residents in the same county; and also to such as reside out of the state, and have any estate within the same.

*Judge of probate may appoint guardians.*

OF MINORS.

SEC. 2. Males of the age of twenty-one years and females of the age of eighteen years shall be considered of full age for all purposes; before those ages they shall be considered minors.

*Minors, who are*